

May 18 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0066 ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

CLINTON D. ROOT,

Defendant and Appellant.

FILED

MAY 18 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME  
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Lisa S. Korchinski, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until June 23, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 18<sup>th</sup> day of May, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER  
Appellate Defender Office  
139 N. Last Chance Gulch  
P.O. Box 200145  
Helena, MT 59620-0145

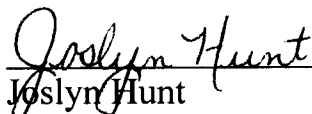
By: *Joselyn Hunt*

for LISA S. KORCHINSKI  
Assistant Appellate Defender

STATE OF MONTANA            )  
  : ss.  
County of Lewis and Clark    )

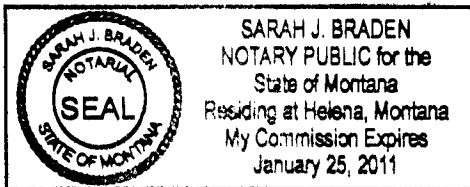
I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as the Chief Appellate Defender.
2. In my capacity as Chief Appellate Defender, I have assigned Lisa S. Korchinski to handle the above-entitled matter.
3. The Appellant's opening brief was first due on April 23, 2010. The brief is presently due on May 24, 2009.
4. Ms. Korchinski is in the process of reviewing the case file for appealable issues and cannot complete the opening brief by the current due date.
5. Ms. Korchinski will work diligently to complete the matter in the time requested.
6. Opposing counsel has been contacted concerning this motion and does not object.
7. Further your affiant sayeth naught.

  
\_\_\_\_\_  
Joslyn Hunt

SUBSCRIBED AND SWORN to before me this 18<sup>th</sup> day of

May, 2010.



Sarah J. Braden  
Sarah J. Braden

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing  
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK  
Montana Attorney General  
MARK MATTIOLI  
Assistant Attorney General  
215 North Sanders  
P.O. Box 201401  
Helena, MT 59620-1401

MITCH YOUNG  
Lake County Attorney  
106 Fourth Avenue East  
Polson, MT 59860

CLINTON ROOT 3004121  
MASC  
2340 Mullan Road  
Missoula, MT 59808

DATED: 5/18/2010

Rachel Smith